

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Joseph A. & Lindsay M. Rieger

Case No.: 16-31140
Judge: ABA
Chapter: 13

Debtor(s)

Chapter 13 Plan and Motions

- ☐ Original ☒ Modified/Notice Required ☒ Discharge Sought
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: 4/25/17

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

\$3,810 is the total paid through 3/13/17; then:

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 1317 per month to the Chapter 13 Trustee, starting on 3/17 for approximately 57 more months. (60 months total)

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property: Carrington Mortgage Service, LLC

Description: 469 Concetta Drive, Mt. Royal, NJ 08061

Proposed date for completion: 10/31/17

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Jenkins & Clayman	Legal Fees	\$1,000 plus all other court approved fees and costs estimated to be \$400
Steve Neuner	Legal Fees	\$1,000
IRS	Post Petition Taxes (for 2016)	\$10,017
NJ	Post Petition Taxes (for 2016)	\$2,128
NJ	Pre Petition Taxes	\$4,099
IRS	Pre Petition Taxes	\$21,117.38

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Debtors will get a loan modification to take care of pre-petition arrears to Carrington Mortgage Services. No pre-petition arrears to be paid through plan.					
Toyota Motor Credit	Car Loan	\$529.89	N/A	\$529.89	Resume with 1st post-petition payments from 11/16

b. Modification

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

e. Secured Claims to be Paid in Full Through the Plan:

Creditor	Collateral	Total Amount to be Paid Through the Plan
State of New Jersey Preferred Credit Wells Fargo Financial	Residence Vacuum Furniture	\$815.76 \$1,307.60 \$2,872.14

Part 5: Unsecured Claims

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☒ Not less than 100 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid
ECMC (student loan)	Long term debt	Paid outside of plan	\$35,216.88

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Jenkins & Clayman & Steven Neuner, Esq.
- 3) Toyota, State of New Jersey(sec), Preferred credit & Wells Fargo Financial
- 4) IRS & New Jersey (2016 taxes), New Jersey(pre-petition taxes)

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: _____.

Explain below *why* the plan is being modified:

To clarify treatment for all creditors; including loan modification for mortgage & pre-petition arrears, 100% for unsecured creditors, student loans outside plan, IRS & New Jersey to be paid for post petition (2016) taxes.

Explain below *how* the plan is being modified:

Trustee payment altered.
Note to priority debts to both NJ Division of Taxation & IRS

Are Schedules I and J being filed simultaneously with this Modified Plan?

☒ Yes
J only ☐ No

Part 10: Sign Here

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 4/25/17

/s/ Eric J. Clayman
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 4/25/17

/s/ Joseph A. Rieger, Jr.
Debtor

Date: 4/25/17

/s/ Lindsay M. Rieger
Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Joseph A. Rieger, Jr
 Lindsay M. Rieger
 Debtors

Case No. 16-31140-ABA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

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 Total Noticed: 62

Date Rcvd: Apr 27, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 29, 2017.

db/jdb
 aty +Joseph A. Rieger, Jr, Lindsay M. Rieger, 469 Concetta Drive, Mount Royal, NJ 08061-1115
 +Neuner and Ventura LLP, Willow Ridge Exec Office Park, 750 Route 73 South-Ste 210,
 Marlton, NJ 08053-4133
 cr +Carrington Mortgage Services, LLC, 1600 South Douglass Rd, Anaheim, CA 92806-5951
 516483029 +Acs/netnet, 501 Bleecker St, Utica, NY 13501-2401
 516483030 +Apex Asset Managemen, 2501 Oregon Pike, Lancaster, PA 17601-4890
 516483031 Attorney General of the United States, U.S. Department of Justice,
 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001
 516483032 +BB and T Bank, PO Box 30495, Tampa, FL 33630-3495
 516483033 +Borgata Hotel & Casino, One Borgata Way, Atlantic City, NJ 08401-1900
 516483034 +Capital One, PO Box 30285, Salt Lake City, UT 84130-0285
 516597526 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 516483035 +Carrington Mortgage Service. LLC, PO Box 3489, Anaheim, CA 92803-3489
 516662173 +Carrington Mortgage Services, LLC, 1600 S. Douglass Rd, Anaheim, CA 92806-5951
 516483036 +Citibank/The Home Depot, Citicorp Cr Srvs/Centralized Bankruptcy, PO Box 790040,
 S Louis, MO 63179-0040
 516483037 Comenity Bank/Express, PO Box 18215, Columbus, OH 43218
 516483039 Comenity Bank/Victoria Secret, PO Box 18215, Columbus, OH 43218
 516483038 Comenity Bank/nwyrk&co, PO Box 18215, Columbus, OH 43218
 516483042 +DebtWave, 9325 Sky Park Ct #260, San Diego, CA 92123-4319
 516642637 ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408
 516483044 #+Ecmc, 1 Imation Place, Bldg 2, Oakdale, MN 55128-3422
 516483051 Elizabeth Kilpatrick-Fox DMD, 1507 Kings Highway Route 605, Swedesboro, NJ 08085
 516483045 +Equifax Credit Information Services, Inc, PO Box 740241, Atlanta, GA 30374-0241
 516483046 Experian, 29 BROADWAY FL 6, New York, NY 10006-3101
 516483047 +Financial Asset Management Systems, Inc., PO Box 1729, Woodstock, GA 30188-1394
 516483041 +Kelly A. Conroy Esq, 28 Cooper St, Woodbury, NJ 08096-4618
 516614261 +MIDLAND FUNDING LLC, PO BOX 2011, WARREN, MI 48090-2011
 516483059 +Matthew Portella Esq, 607 White Horse Pike, Haddon Heights, NJ 08035-1710
 516483053 +Midland Funding, 2365 Northside Dr, Suite 300, San Diego, CA 92108-2709
 516483054 +Natiowide Recovery Service, 545 West Inman St, Cleveland, TN 37311-1768
 516588448 Navient Solutions, Inc., P.O. Box 9640, Wilkes-Barre, PA 18773-9640
 516527920 +Navient Solutions, Inc. on behalf of, NJHEAA, PO BOX 548, Trenton, NJ 08625-0548
 516483056 +New Jersey Dept of Law & Public Safety, Division of Law, Hughes Justice Comp, Box 112,
 Trenton, NJ 08625-0112
 516483049 +Paul Humphreys, 79 North Main Street, Mullica Hill, NJ 08062-9421
 516483058 +Pay Pal Buyer Credit, PO Box 5138, Lutherville Timonium, MD 21094-5138
 516483060 +Preferred Credit Inc, PO Box 1970, St Cloud, MN 56302-1970
 516483057 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: New Jersey Division of Taxation, Box 245,
 Trenton, NJ 08695-0245)
 516483063 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Financial Services, PO Box 8026, Cedar Rapids, IA 52408)
 516564243 +Toyota Lease Trust, C/O Toyota Motor Credit Corporation, PO Box 9013,
 Addison, Texas 75001-9013
 516548209 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 516483064 Trans Union Consumer Solutions, PO Box 2000, Chester, PA 19022-2000
 516483065 +Trojan Professional Se, 4410 Cerritos Ave, Los Alamitos, CA 90720-2549
 516483066 +United States Attorney, Federal Courthouse and PO, 4th Floor, 401 Market Street,
 Camden, NJ 08101-0016
 516483067 +Usaa Federal Savings Bank, 10750 Mcdermott Freeway, San Antonio, TX 78288-1600
 516483068 +Verizon, 500 Technology Dr, Suite 500, Weldon Spring, MO 63304-2225
 516568255 Wells Fargo Bank NA, PO Box 10438, Des Moines IA 50306-0438
 516483069 +Wffnb/raymour & Flan, PO Box 94498, Las Vegas, NV 89193-4498

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Apr 28 2017 11:47:51 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Apr 28 2017 11:47:47 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516692676 +E-mail/Text: bankruptcy@bbandt.com Apr 28 2017 11:47:22 BB&T, Bankruptcy Section,
 100-50-01-51, PO Box 1847, Wilson, NC 27894-1847
 516661351 +E-mail/Text: bncmail@w-legal.com Apr 28 2017 11:47:56 Comenity Capital Bank/Paypal Credit,
 c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
 516483040 +E-mail/Text: bankruptcy@td.com Apr 28 2017 11:47:52 Commerce Bank Na,
 Td Bank/Attn:Bankruptcy, PO Box 9547, Portland, ME 04112-9547
 516493044 E-mail/Text: mrdiscen@discover.com Apr 28 2017 11:47:00 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 516483043 +E-mail/Text: mrdiscen@discover.com Apr 28 2017 11:47:00 Discover Financial, PO Box 3025,
 New Albany, OH 43054-3025
 516483048 +E-mail/Text: bankruptcy@fult.com Apr 28 2017 11:48:33 Fulton Bank of New Jersey,
 533 Fellowship Road, Mount Laurel, NJ 08054-3411

District/off: 0312-1

User: admin
Form ID: pdf901

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Total Noticed: 62

Date Rcvd: Apr 27, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

516483050 +E-mail/Text: cio.bncmail@irs.gov Apr 28 2017 11:47:16 Internal Revenue Service,
Centralized Insolvency Unit, PO Box 7346, Philadelphia, PA 19101-7346
516483052 +E-mail/Text: bnckohlsnotices@becket-lee.com Apr 28 2017 11:47:09 Kohls/Capital One,
PO Box 3120, Milwaukee, WI 53201-3120
516483055 +E-mail/PDF: pa_dc_claims@navient.com Apr 27 2017 22:53:56 Navient, Attn: Claims Dept,
PO Box 9500, Wilkes-Barr, PA 18773-9500
516663532 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 27 2017 23:09:55
Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.A., POB 41067,
Norfolk VA 23541
516676876 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 27 2017 22:53:59
Portfolio Recovery Associates, LLC, c/o The Home Depot Consumer, POB 41067,
Norfolk VA 23541
516584954 E-mail/Text: bnc-quantum@quantum3group.com Apr 28 2017 11:47:39
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
516666895 +E-mail/PDF: gecsedirecoverycorp.com Apr 27 2017 22:53:49 Synchrony Bank,
c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021
516483062 +E-mail/PDF: gecsedirecoverycorp.com Apr 27 2017 22:53:50 Synchrony Bank/ Old Navy,
PO Box 965064, Orlando, FL 32896-5064
516661763 +E-mail/Text: bncmail@w-legal.com Apr 28 2017 11:47:56 USAA Savings Bank,
C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
TOTAL: 17

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516483061 Tina and Joseph Rieger, NEED ADDRESS

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 29, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 25, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Eric Clayman on behalf of Joint Debtor Lindsay M. Rieger jenkins.clayman@verizon.net
Eric Clayman on behalf of Debtor Joseph A. Rieger, Jr jenkins.clayman@verizon.net
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Jeffrey E. Jenkins on behalf of Joint Debtor Lindsay M. Rieger jenkins.clayman@verizon.net,
jenkins.clayman@verizon.net
Jeffrey E. Jenkins on behalf of Debtor Joseph A. Rieger, Jr jenkins.clayman@verizon.net,
jenkins.clayman@verizon.net
Jennifer R. Gorchow on behalf of Trustee Isabel C. Balboa jgorchow@standingtrustee.com
Nicholas Paul Edwards on behalf of Creditor Carrington Mortgage Services, LLC
nedwards@shp-law.com
Steven R. Neuner on behalf of Attorney Neuner and Ventura LLP sneuneresq@comcast.net,
ETomlinson@nv-njlaw.com

TOTAL: 10